

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

| | | |
|---------------------------|---|--------------------------------|
| ZEVON TARUSES MCCARTER, |) | |
| |) | |
| Petitioner, |) | |
| |) | CIVIL ACTION NO. 11-00021-WS |
| vs. |) | CRIM. ACTION NO. 08-00387-WS-B |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the Report and Recommendation to which objection is made (Docs. 99, 100), the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that Petitioner's Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 is **denied**. It is further **ORDERED** that Petitioner is not entitled to a certificate of appealability nor to appeal *in forma pauperis*.

DONE and **ORDERED** this 29th day of August, **2011**.

s/WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE